



**Winston H. Hickox**  
Secretary for  
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Protection



**Gray Davis**  
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# California Regional Water Quality Control Board

## Los Angeles Region

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### Los Angeles Regional Water Quality Control Board

#### Minutes of the August 12, 1999 Board Meeting

Camarillo City Hall, Council Chambers, 601 Carmen Drive

#### INTRODUCTION

1. The meeting was called to order by Chairman Nahai at 9:30 a.m.

#### Board Members Present

Jack Coe, Fran Diamond, Michael Keston, Marilyn Lyon, H. David Nahai

#### Board Members Absent

None

#### Staff Present

Dennis Dickerson, Jorge Leon, James Kuykendall, Debbie Smith, Dennis Dasker, David Bacharowski, Wendy Phillips, Rod Nelson, Arthur Heath, Wayne Chiou, Jonathan Bishop, Rick Vergets, Robyn Goodman, Ronji Harris, Bryan Schweickert, Raymond Jay, Jack Price

#### Others Present

John Curphy, State Department of Health Services  
Jim Burke, Mutual Water Company of Vineyard Avenue Estates  
Irman Evans, resident  
Julie Bulla, Ventura County Agricultural Commission  
Richard Eccles, City of Oxnard Wastewater Division  
Arthur Goulet, Ventura County Dept. Public Works  
Sally Coleman, City of Oxnard Wastewater Division  
Jacqueline Lambrichts, Scientist

Dana Wisehart, United Water Conservation District  
Joe Deakin, Ventura Regional Sanitation District  
Patricia Sanders Fontes, resident  
Roy Coggs, El Rio Resident  
Florence Young, El Rio Resident  
Rose Moreno, El Rio Resident  
Don Kendall, Calleguas Municipal Water District  
Bob Johnston, resident  
Judith Norcross, resident  
Jim Estes, resident  
Tom Marcrafft, resident  
Kathy Lopez  
Ken Knudsen, resident

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Mike Flaharty, resident  
Adele Roche, resident  
Jose Trini Mendoza, resident  
Virginia Slate, resident  
Bruce Price, resident  
Nadine Donner, resident  
Christina Leonard, resident  
Ottis Gillespie, resident  
James Boatman, resident  
Virginia Styles, resident  
Robert Connell, resident  
Pablo Vargas, resident

Betty Fowler, resident  
Bob Johnston, resident  
Bruce Price, resident  
Mark Gold, Heal the Bay  
Steve Fleishli, Santa Monica BayKeeper  
Richard Marsh, Rep. County Sanitation District  
of Los Angeles County  
Jim Stahl, County Sanitation Districts of Los  
Angeles County  
Pete Whitney, Ventura County Flood Control  
Jim Harrington, CA Department Fish & Game  
Stephen Mason, Jackson, DeMarco &  
Peckenpaugh  
David Smith, Jackson, DeMarco &  
Peckenpaugh  
Gary Gafford, Beazer Homes

*There were several other public members in attendance during the Board Meeting. The public speaker cards submitted by them are on record in the administrative file at the Regional Board office.*

### **Pledge of Allegiance.**

1. Roll Call.

*A roll call was taken with all members present.*

2. Order of Agenda.

*There were no changes to the order of the agenda.*

3. Approval of Regular Minutes of June 30, 1999.

*Mr. Coe recommended revising the language for Item 11.1 (City of Long Beach Stormwater Permit). Legal Council Jorge Leon suggested he revise the language based on Mr. Coe's comments and provide to the Executive Assistant for finalization.*

MOTION: By Ms. Diamond, seconded by Ms. Lyon and approved on a voice vote.

4. Board Member Ex Parte Communication Disclosure.

*There were no disclosures given by the Board Members.*

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5. Uncontested Items Calendar.

*There was a motion to adopt the consent calendar as items 7.1, 9 and 10.*

MOTION: By Ms. Lyon, seconded by Ms. Diamond and approved on a voice vote.

**PUBLIC FORUM**

6. Public Forum.

*The following persons submitted speaker cards and gave presentations to the Board:*

1. *Lucia McGovern, West Basin Municipal Water District, gave a presentation to the Board requesting they resubmit the Basin Plan Amendment action that was previously disapproved by the Office of Administrative Law regarding MUN Dedesignations. She stated this resubmittal will assist in moving the Chevron/West Basin project forward.*

**ENFORCEMENT ISSUES**

8. Prohibition of Septic System Discharges in the Oxnard Forebay.

*The Executive Assistant read the opening statement and the Chairman gave the oath to those testifying before the Board.*

*Assistant Executive Officer James Kuykendall gave opening remarks which outlined the Regional Board's authority based on the Porter Cologne Act, and the requirements needed to bring forth a prohibition.*

*Rick Vergets gave a staff presentation providing the technical aspects of the proposed prohibition. He expanded on staff's findings of the septic systems in the Oxnard Forebay and the belief that the systems' discharges are degrading the water resource. He asked the Board to amend the Water Quality Control Plan for the Los Angeles Region which will prohibit new and existing septic systems in the Oxnard Forebay and Saticoy; and discharges from existing septic systems to cease within 5 years.*

*Wendy Phillips gave a staff presentation expanding on staff's findings of the septic systems in the Oxnard Forebay. She provided the Board with their regulatory options. She indicated that based on the substantial evidence presented, she recommended the Board approve the proposed prohibition.*

*Jorge Leon, Legal Counsel, presented the legal issues regarding the proposed prohibition. He indicated that a prohibition must be supported by substantial evidence according to CA Water Code Section 13280, and he feels that staff has shown substantial evidence as well as met the legal requirements. He asked that the following language be modified: Strike "Figure 4-XX" and insert "Figure-1". He also suggested adding reference to 13243 of the Water Code. Currently, the resolution refers to authority of the Board under 13280 and 13281. He*

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*suggested one more revision as follows: Insert a definite date of January 1, 2005 rather than just the proposed 5 year period.*

*The following persons testified before the Board:*

*John Curphy, State Department of Health Services  
Jim Burke, Mutual Water Company of Vineyard Avenue Estates  
Irman Evans (time delegated by Cindy Evans)  
Julie Bulla, Ventura County Agricultural Commission  
Richard Eccles, City of Oxnard Wastewater Division  
Arthur Goulet, Ventura County Dept. Public Works  
Sally Coleman, City of Oxnard Wastewater Division  
Jacqueline Lambrichts, Scientist  
Dana Wisehart, United Water Conservation District  
Joe Deakin, Ventura Regional Sanitation District  
Patricia Sanders Fontes, resident  
Roy Coggs, El Rio Resident  
Florence Young, El Rio Resident  
Rose Moreno, El Rio Resident  
Don Kendall, Calleguas Municipal Water District  
Bob Johnston, resident  
Judith Norcross, resident  
Jim Estes, resident  
Jim Burke (time delegated by Don Hoffman, resident)  
Tom Marcraft, resident  
Kathy Lopez (delegated her time to Arthur Goulet)  
Ken Knudsen, resident  
Mike Flaharty, resident  
Adele Roche, resident  
Jose Trini Mendoza, resident  
Betty Fowler, resident  
Virginia Slate, resident  
Bruce Price, resident  
Nadine Donner, resident  
Christina Leonard, resident  
Ottis Gillespie, resident*

*The Chairman asked if there was anyone who wanted to readdress the Board and provide additional testimony that was not yet addressed by another public member.*

*The majority of those testifying were concerned over the lack of funds to build a sewer system and felt that the schedule for the prohibition against the use of existing septic tanks within the five year timeframe was too short.*

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*Staff members Wendy Phillips and Rick Vergets responded to the testimony given and answered questions of the Board. Dennis Dickerson, James Kuykendall, and Jorge Leon also answered questions of the Board regarding this matter.*

*Arthur Goulet, Ventura County Department of Public Works answered questions of the Board and staff. He indicated that the Ventura County Board of Supervisors felt that imposing a five-year deadline was too short, and he recommended the Board consider allowing a ten-year deadline period. He asked the Board to assist the County in obtaining the necessary funds for a sewer system.*

*Jorge Leon recommended amending the resolution by adding a provision, which would grant an opportunity for exemption from the prohibition, and grant the opportunity for an extension of the effective date of the prohibition in the best interest of water quality.*

*The Board paused for a 5-minute break and then reconvened. The Chairman closed the public hearing and there was discussion of the Board. After discussion, a motion was made to adopt the prohibition as recommended by staff with the following amendments:*

*A) Modify the time limit from 5 years to a date certain of January 1, 2008; B) delete references to Figure 4-XX and replace with a Figure 1 reference; C) add a reference (Resolution, Paragraph 2) to Section 13243 of the Water Code; D) add language on page 8-13 specifically referencing Section 13241 of the Water Code; and E) amend the resolution (as recommended by Legal Counsel) by adding a provision, which would grant an opportunity for exemption from the prohibition, and an extension of the effective date of the prohibition in the best interest of water quality.*

**MOTION:** By Mr. Nahai, seconded by Ms. Lyon and approved on a voice vote. Mr. Keston opposed.

The Board paused for a closed lunch session at 12:30 p.m. The Board reconvened at 1:45.

#### 11. 90-Day Bypass of Secondary Treatment at the Joint Water Pollution Control Plant.

*The Executive Assistant read the opening statement and Chairman Nahai gave the oath to those testifying before the Board. Dennis Dasker gave a staff presentation informing the Board that this is an evidentiary hearing only, and that no formal action needs to be taken by the Board. He asked the Board to hear the evidence, and direct staff on how to proceed in this matter.*

*Jorge Leon, Legal Counsel, presented the Board with the legal issues relating to this hearing. Dennis Dickerson gave a presentation indicating that staff would very much like to find a resolution in this matter.*



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*Jim Stahl, Assistant General Manager, County Sanitation Districts of Los Angeles County, gave a presentation to the Board indicating that he believes the bypass is the only alternative, and that the Plant indeed qualifies for a 90-day bypass. He outlined the facts regarding the equipment corroded infrastructure as the Plant.*

*Richard Marsh, Legal Counsel, County Sanitation Districts of Los Angeles County, gave a presentation to the Board outlining the legal issues regarding this matter. He indicated that the District is entitled to the protection that only can be secured through an order approving the proposed bypass.*

*Gary Hess, Legal Counsel, U.S. EPA Region 9, indicated that although he was present to mainly hear the testimony given during the evidentiary hearing, he believed further discussion between all parties involved should be taken into consideration. He offered the participation of U.S. EPA during any future discussions.*

*David Beckman, NRDC, gave a presentation to the Board sharing his concern of the interim limits of the proposed bypass. He also encouraged future discussions be held in order to gain a better understanding of the facts regarding this matter.*

*Mark Gold, Heal the Bay, addressed the Board expressing that although he acknowledges the need for the project, he opposes the proposed bypass. He recommended the Districts run all upstream facilities at capacity, plus 10 percent during the 90-day period, and retain an independent mutually agreed upon consultant.*

*Chairman Nahai closed the evidentiary hearing. The Board directed staff to have further discussions with the Districts, U.S. EPA, and environmental groups.*

## 12. Administrative Civil Liability (ACL) Complaint Against Beazer Homes.

*This item was continued due to a lack of quorum.*

### Public Forum Continued:

*Mark Gold, Heal the Bay, was not present during the Public Forum and gave a brief presentation regarding the pending negotiations between the Regional Board and City of Malibu on septic-system investigations. He shared his concerns regarding the lack of monitoring and tracer studies.*

## **INFORMATION ITEMS**

## 13. Overview of State and Regional Boards' Y2K Issues.

*Darrin Polhemus, State Water Resources Control Board, gave a presentation outlining the Statewide Y2K Issues related to water quality.*

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14. Report of Cost Benefit Task Committee.

*There was no report given during this item.*

15. Board Member Communications.

*There were no items discussed during this item.*

16. Executive Officer's Report

*There was no report given during this item.*

**CLOSED SESSION**

17. Closed Session

*The Board paused for a Closed Session at 12:45 p.m. to discuss litigation matters. The Board reconvened at 1:45 p.m.*

**ADJOURNMENT**

18. Adjournment of Current Meeting. The meeting adjourned at 4:15 p.m. until the next regularly scheduled meeting on September 16, 1999.

Minutes adopted at the \_\_\_\_\_ Regular Board Meeting as submitted/amended.

Written and submitted by: \_\_\_\_\_

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